IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2171 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/12/2004 in WP NO : 22801 OF 2004 on the file of the High Court.)

Between:

Smt. Subadramma, W/o. Krishna Kulai Reddy,
Kandikapula and Chintakunta Villages, R/o. of Kandikapula Village, Putlur Mandal, Anantapur District.

..... APPELLANT

AND

1 P. Nagalinga Reddy, S/o. Errabayapu Reddy,
R/o. Kandikapula Village, Putlur Mandal,
Anantapur District.
2 The Joint Collector, Anantapur District, Anantapur.
3 The Revenue Divisional Officer, Anantapur, Anantapur District.
4 The Mandal Revenue Officer, Putlur Mandal, Anantapur District.

.....RESPONDENTS

Counsel for the Appellant: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: MR.LAKKADI DAYAKER REDDY

Counsel for the Respondent Nos.2 to 4: The G.P. for Civil Supplies.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Appeal is against the order passed by learned single Judge on 9 th December, 2004 disposing of the writ petition and thereby directing setting aside of the order of suspension of the dealership passed by the third respondent with further direction to the second respondent to pass final orders in the matter duly taking into consideration the explanation submitted by the writ petitioner-respondent No.1.

Writ Petitioner-respondent No.1 was a fair price shop dealer and on 14th August, 2004 a show cause notice-cum-suspension order was issued to him. Aggrieved by the same, appeal was preferred by the petitioner before the Joint Collector along with an application for stay, which was not disposed of. W.P.No.17174 of 2004 was filed, which was disposed of by learned single Judge on 23rd September, 2004 directing the Joint Collector to dispose of the appeal within two weeks from the date of receipt of a copy of the order. When the writ petitioner received notice dated 6th December, 2004 stating that the date of hearing is 18th December, 2004, a fresh writ petition was filed. It was not disclosed by the petitioner that application for suspending the order of suspension had already been dismissed. Without impleading the appellant as a party, who was a party before the Joint Collector, the writ petitioner obtained order from the learned single Judge aforementioned thereby setting aside the suspension order and direction to the Revenue Divisional Officer to dispose of the enquiry by taking into consideration the explanation furnished by the writ petitioner.

The very fact that in the writ petition, the writ petitioner failed to disclose the fact that on 3rd September, 2004 an order was passed by the Joint Collector declining to suspend the order of suspension was sufficient to dismiss the writ petition. At the most, learned single Judge in such a petition could have directed the Joint collector to dispose of the appeal within a particular time limit but could not have proceeded further to put the order of suspension in abeyance and thus make the appeal infructuous. After all, it is the writ petitioner who is responsible for stalling the enquiry proceedings pending before the Revenue Divisional Officer, who has to expeditiously dispose of the same, as the time limit is 90 days. Once order of

suspension had been declined to be stayed by the Joint Collector, learned single Judge without finding fault with such an order, could not have set aside the order of suspension.

Writ appeal is accordingly allowed and the impugned order passed by the learned single Judge is set aside. Writ petition filed by the writ petitioner-respondent is dismissed. Further, direction is issued to the Joint Collector-respondent No.2 herein to hear and dispose of the appeal presented before him in accordance with law.

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DEVINDER GUPTA, CJ

20-12-2004

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M.NARAYANA REDDY, J

Tvr

To

1 The Joint Collector, Anantapur District, Anantapur.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Putlur Mandal, Anantapur District.

4 2 CCs to the Govt. Pleader for Civil Supplies, High Court Buildings,

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